

U.S. Patent Application No. 10/553,943
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REMARKS

Favorable reconsideration of this application is requested in view of the following remarks. Claims 1-10 are pending.

Claims 1-6 were rejected as unpatentable over Pinto in view of Kajimoto. Applicants respectfully traverse this rejection.

The rejection relies on Pinto as disclosing the kotalanol extract from Salacia reticulata. The rejection is based on the assumption that the difference between kotalanol and the present materials is merely the length of the carbon chain (lines 2-3 from the end of page 2 of the Office Action), that the compounds are adjacent homologs (page 3, line 2) and that the compounds are members of the same homolog series (page 3, line 13). This assumption simply is erroneous. The structural differences between the substance of claim 1 and kotalanol are more than in just the number of carbon atoms as required for the "adjacent homolog" relationship cited by the rejection. In particular, the substance of claim 1 and kotalanol differ in the number of hydroxyl groups. Specifically, Kotalanol has four hydroxyl groups in the chain attached to the SO₄⁻-bearing carbon, while the present substance has only three. Thus, the two materials are not in an "adjacent homolog" relationship. The potential significance of the number of hydroxyl groups readily can be seen by considering, for example, glycols and alcohols, which clearly would be recognized to be rather different materials. The rejection fails to address the differences between the substance of claim 1 and the kotalanol extract of the Pinto reference, and therefore the rejection should be withdrawn.

The Salacia reticulata plant has been the subject of significant research efforts, as discussed for example at pages 3-4 of the specification. While the substances salacinol and kotalanol have been identified, none of these efforts recognized the presence, or suggested the existence of the substance of claim 1, nor did they or the cited reference provide any reason to expect the existence of a further substance that has the substantial α -glucosidase inhibitory activity shown by the substance of claim 1. Therefore, the rejection should be withdrawn.

Applicants respectfully renew their request for acknowledgement of the perfection of the claim for foreign priority application in this case, which was addressed in the international stage.

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If the claim for priority is not being confirmed, Applicants courteously request an explanation of the reasons supporting that position.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.

Respectfully submitted,

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